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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,312

06/21/2005

David A. Eves

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02/21/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

GADDY, BENJAMIN E

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

02/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,312

Applicant(s)

EVES ET AL.

Examiner

BENJAMIN E. GADDY

Art Unit

4181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/31/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 6, 7, 8, and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-8 and 12 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt (US 5,960,447) in view of Williams (US 6,308,154).

Consider claims 1 and 9: Holt discloses processing an audio signal (**see Abstract**) comprising receiving an audio signal (**see Col. 3, lines 2-10, where Holt discusses a microphone**), extracting features from the audio signal (**see Col. 3, lines 15-20, where Holt discloses developing text words**), and translating the extracted features into metadata (**see Col. 3, lines 60-67, where Holt discusses related information**), the metadata comprising a markup (**see Col. 4, lines 1-10, where Holt discusses tag information**).

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Holt does not specifically disclose instruction set of a markup language, however Williams discloses instruction set of a markup language (see Col. 3, lines 2-8, where Williams discusses **speech attributes are encoded using a markup language and markup indicators**). It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Holt, and use instruction set of a markup language as taught by Williams, thus allowing measurement and encoding of recognized content, as discussed by Williams (see Col. 1, lines 52-57).

Consider claims 2 and 10: Holt discloses storing the metadata (see Col. 4, lines 8-12, where Holt discusses storing).

Consider claim 3: Holt discloses storing the metadata with associated time data (see Col. 4, lines 4-7, where Holt discusses a time code).

Consider claim 4: Holt discloses time data defines the start time and the duration, relative to the received audio signal, of each markup language term (see Col. 4, lines 4-7, where Holt discusses a time code).

Consider claim 5: The combination of the above discloses transmitting the instruction set to a browser.

Consider claim 11: Holt discloses an output device for outputting the received audio signal (see, e.g., Figure 2, part 66, a speaker).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. GADDY whose telephone number is (571)270-5134. The examiner can normally be reached on M-TH 9am - 4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin E. Gaddy

/Benjamin E Gaddy/

Examiner, Art Unit 4181

2/12/2008


NICK CORSARO
SUPERVISORY PATENT EXAMINER
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